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13 PARTNERSHIP, SIMON PROPERTY GROUP
14 LIMITED PARTNERSHIP, AND SIMON
15 PROPERTY GROUP, INC.

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 PHASE II CHIN, LLC and LOVE & MONEY,
19 LLC (formerly dba O.P.M.L.V., LLC),

20 Case No. 2:08-cv-00162-JCM-GWF

21 Plaintiffs,

22 v.

23 FORUM SHOPS, LLC, FORUM
24 DEVELOPERS LIMITED PARTNERSHIP,
25 SIMON PROPERTY GROUP LIMITED
PARTNERSHIP, SIMON PROPERTY
GROUP, INC., CAESARS PALACE CORP.,
and CAESARS PALACE REALTY CORP.

26 **OPPOSITION OF FORUM
DEFENDANTS TO REQUEST FOR
STATUS CONFERENCE**

27 Defendants.

28 Defendants FORUM SHOPS, LLC, FORUM DEVELOPERS LIMITED
PARTNERSHIP, SIMON PROPERTY GROUP LIMITED PARTNERSHIP and SIMON
PROPERTY GROUP, INC. (collectively "Forum Defendants") object strongly to the Request
for Status Conference (Doc. No. 94) filed by Plaintiff PHASE II CHIN, LLC on March 9, 2009.

The Request is nothing more than an attempt to continue the hearing on the pending Motions to

1 Dismiss (Doc. Nos. 12 and 20) filed by the Forum Defendants and Defendants CAESARS
2 PALACE CORP. and CAESARS PALACE REALTY CORP. (the "Caesars Defendants") now
3 scheduled for March 12, 2009. March 17, 2009 will be the one year anniversary of the filing of
4 the Motion to Dismiss by the Forum Defendants; the Motion to Dismiss of the Caesars
5 Defendants was filed on July 1, 2008. The hearing on the Motions to Dismiss has been
6 continued almost six months -- set and re-set no fewer than six (6) times.¹ Each continuance of
7 the hearing date -- except the last² -- was at the instance of Plaintiffs' counsel or counsel for the
8 Caesars Defendants.

10 Plaintiffs' Request for Status Conference is based on the false premise that their pending
11 Objections (Doc. No. 86) to Magistrate Judge Foley's Order denying Plaintiffs' Motion to
12 Disqualify Counsel for Caesars Defendants (Doc. No. 81) -- which has not yet been fully briefed
13 or scheduled for hearing -- must be heard and resolved before the pending Motions to Dimsiss.
14 There is no need for the Court to consider the Objections before hearing argument on the
15 pending Motions to Dismiss. The two proceedings are completely unrelated. There is nothing
16 about the Motions to Dismiss or the legal arguments they raise that is implicated in the slightest
17 by the denied Motion to Disqualify Counsel for Caesars Defendants. The Court can and should
18 proceed with the hearing on the Motions to Dismiss now scheduled for March 12, 2009 and
19 allow the Objections to proceed in due course.
20

CONCLUSION

23 There is no need for a status conference. However, if the Court feels otherwise, Forum
24 Defendants request that the status conference be held in person in open Court and on the record.
25

26 ¹ The extinct hearing dates for the Motions to Dismiss are: September 17, 2008,
27 October 7, 2008, October 30, 2008, December 2, 2008, December 18, 2008, February 6, 2009
and February 27 2009.

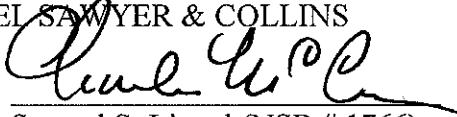
28 ² The last continuance from February 27, 2009 to March 12, 2009 was initiated by the
Forum Defendants because settlement negotiations had reached a point where it appeared the

1 DATED this 10th day of March 2009.

2 Respectfully submitted,

3 LIONEL SAWYER & COLLINS

4 By:

5 
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8 LLC, FORUM DEVELOPERS LIMITED
9 PARTNERSHIP, SIMON PROPERTY GROUP
10 LIMITED PARTNERSHIP, and SIMON
11 PROPERTY GROUP, INC.

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28 case might settle if the hearing date was continued. Unfortunately, that did not come to pass.